

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

Plaintiff,

v.

Fernando CORTEZ-Vasquez,

Defendant

Magistrate Dock

COMPLAINT FOR VIOLATION OF

Title 8, U.S.C., Section 1326  
Deported Alien Found in the  
United States

DEPUTY

The undersigned complainant, being duly sworn, states:

On or about **March 10, 2008**, within the Southern District of California, defendant, **Fernando CORTEZ-Vasquez**, an alien, who previously had been excluded, deported and removed from the United States to **Mexico**, was found in the United States, without the Attorney General or his designated successor, the Secretary of the Department of Homeland Security (Title 6, United States Code, Sections 202(3) and (4), and 557), having expressly consented to the defendant's reapplication for admission into the United States; in violation of Title 8 United States Code, Section 1326.

And the complainant further states that this complaint is based on the attached statement of facts, which is incorporated herein by reference.

SIGNATURE OF COMPLAINANT

James Trombley  
Senior Patrol Agent

SWORN TO BEFORE ME AND SUBSCRIBED IN MY PRESENCE, THIS 11<sup>th</sup> DAY OF March 2000

Louisa S. Porter

UNITED STATES MAGISTRATE JUDGE

**CONTINUATION OF COMPLAINT:****Fernando CORTEZ-Vasquez****PROBABLE CAUSE STATEMENT**

On March 10, 2008, Border Patrol Agent R. Garcia, was performing uniformed linewatch duties in the Chula Vista Station's area of responsibility. At approximately 2:30 a.m., Agent Garcia received a radio report from the Infra-red Scope Operator who had observed a group of eight suspected illegal entrant aliens north of the United States/Mexico International border near an area known as the "Boat Ramp." This area is located approximately three miles east of the Otay Mesa, California, Port of Entry and five miles north of the United States/Mexico International Border. Agent Garcia responded to the area and began searching the area. After a brief search Agent Garcia found eight individuals attempting to conceal themselves in some reeds along the Otay Reservoir. Agent Garcia approached the individuals, identified himself as a Border Patrol Agent, and conducted an immigration inspection. All eight including one later identified as the defendant **Fernando CORTEZ-Vasquez**, admitted to being citizens and nationals of Mexico without any immigration documents allowing them to legally be or in remain in the United States. At approximately 2:40 a.m. all eight individuals were arrested and transported to the Chula Vista Border Patrol Station for processing.

Routine record checks of the defendant revealed an immigration history. The defendant's record was determined by a comparison of his immigration record and the defendant's current fingerprint card. Official immigration records of the Department of Homeland Security revealed the defendant was previously deported to **Mexico** on **January 29, 2008** through the Port of Entry at **Calexico, California**. These same records show that the defendant has not applied for permission from the Attorney General of the United States or his designated successor, the Secretary of the Department of Homeland Security, to return to the United States after being removed.

The defendant was advised of his Miranda Rights. He stated that he understood and agreed to answer questions without a lawyer present. The defendant admitted to being in the United States illegally, and that he had crossed illegally through the mountains west of the Otay Mesa Port of Entry. The defendant admitted that he knew he could not return to the United States after being deported.